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SEP 28 2006

REMARKS

Claims 1-20 are pending in the present application.

1. The Examiner has rejected claims 1-4 and 16-20 under 35 U.S.C. 103(a) as being unpatentable over Davis et al. (6,430,949) in view of Othonos ("Fiber Bragg gratings").

As noted by the Examiner, Davis et al. is a cited reference only under 35 U.S.C. 102(e), and therefore the present obvious rejection is a 35 U.S.C. 102(e)/103 obviousness rejection. According to 35 U.S.C. 103(c)(1), "Subject matter developed by another person, which qualifies as prior art only under one or more of the subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person." The Attorney of Record states that the present Application Serial No. 09/703,823 and U.S. Patent No. 6,403,949 were, at the time the invention of Application Serial No. 09/703,823 was made, owned by CiDRA Corporation.

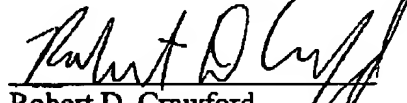
Applicants contend under 35 U.S.C. 103(c) that the subject matter in Davis et al. is now disqualified, and therefore the rejection of claims 1-4 and 16-20 is now moot.

2. The Examiner has rejected claims 5-15 under 35 U.S.C. 103(a) as being unpatentable over Davis et al. 6,403,949 in view of Othonos ("Fiber Bragg gratings") and further in view of Duck et al. (5,612,289). For the reasons provided herein before, Applicants submit that the objection is now moot.

3. Any deficiency or overpayment should be charged or credited to this deposit account to Deposit Account No. 50-0260 Order No. CC-0166.

Respectfully submitted,

Michael A. Davis et al.



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